

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

1st STREET FOUNDATION, INC. d/b/a FIRST  
STREET FOUNDATION,

Plaintiff,

-against-

SSBN LTD, d/b/a FATHOM and CLIMATE  
CHECK, INC.,

Defendants.

Case No. 21cv1374

**ORDER TO SHOW CAUSE FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Upon consideration of (i) the Complaint, together with the accompanying Declaration of Matthew Eby, sworn to on the 15<sup>th</sup> day of March, 2021, and (ii) the Memorandum of Law in Support of Plaintiff 1st Street Foundation's ("First Street") Application, by Order to Show Cause, for a Temporary Restraining Order and Preliminary Injunction, it is hereby:

**ORDERED** that Defendants SSBN Ltd., d/b/a Fathom ("Fathom"), and Climate Check, Inc. ("ClimateCheck") show cause at a hearing to be held in this Court, before the Honorable \_\_\_\_\_, United States District Judge of the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 on \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_m., or as soon thereafter as counsel may be heard, why an order should not be issued:

- i. enjoining Fathom, its agents, officers, employees, representatives, agents, subsidiaries, and affiliates from providing, licensing or otherwise supplying any First Street trade secrets to ClimateCheck;

- ii. enjoining Fathom, its agents, officers, employees, representatives, agents, subsidiaries, and affiliates from providing technical support or software updates to ClimateCheck related to any First Street trade secrets;
- iii. enjoining ClimateCheck, its agents, officers, employees, representatives, agents, subsidiaries, and affiliates from using in any manner, any First Street trade secrets;
- iv. commanding ClimateCheck, its agents, officers, employees, representatives, agents, subsidiaries, and affiliates to immediately remove and destroy any First Street trade secrets from any data models, data sets, consumer facing products, or other applications;
- v. commanding ClimateCheck, its agents, officers, employees, representatives, agents, subsidiaries, and affiliates to inform any of its current or prospective business partners, to which ClimateCheck has attempted to do business based on improperly using First Street's trade secrets, that ClimateCheck has improperly relied on and used First Street's trade secrets to market flood modeling capabilities; and it is

**FURTHER ORDERED** that pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and the Court's inherent powers, Defendants, their agents, servants, employees, directors, officers and representatives, and all persons or entities acting in concert or participation with them, are temporarily enjoined and restrained as described above until the hearing and determination of the motion for a preliminary injunction; and it is

**FURTHER ORDERED** that service of a copy of this Order, together with the papers upon which it is granted, on Fathom and ClimateCheck, by delivering the same by email on March\_\_\_\_2021, shall constitute good and sufficient service of the same if service has not already been agreed to; and it is

**FURTHER ORDERED** that answering papers, if any, shall be served on First Street Foundation's counsel, by delivering the same by email on \_\_\_\_2021 and on this Court by \_\_\_\_\_, 2021; and it is

**FURTHER ORDERED** that reply papers, if any, shall be served on Fathom and ClimateCheck and their counsel, by delivering the same by email on\_\_\_\_, 2021 and on this Court by\_\_\_\_\_, 2021.

**SO ORDERED**

Dated: Brooklyn, New York

\_\_\_\_\_, 2021

\_\_\_\_\_  
United States District Judge